THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.5057 OF 2006

Dated: 6th April, 2006.

Between :

V. Raja Reddy … Petitioner

And

The Joint Collector, Kadapa,
Kadapa District and others. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.5057 OF 2006

ORDER :

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 1st respondent - The Joint Collector, Kadapa District, Kadapa in cancelling the catering contract awarded to the petitioner as arbitrary and illegal.

I have heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the 4th respondent.

The material on record shows that the petitioner being the lowest bidder was awarded the catering contract for supply of food to the A.P. Social Welfare Residential School & Junior College, Ramapuram, Kadapa District for the year 2005-06. However, vide proceedings of the 1st respondent dated 8-3-2006 the contract awarded in favour of the petitioner was cancelled and the deposit was forfeited and the 4th respondent was requested to issue the work order in favour of the 2nd lowest bidder for supply of food to the students. The said order is under challenge in this writ petition primarily on the ground that the cancellation of the contract without any prior notice is arbitrary, illegal and in violation of the principles of natural justice.

On behalf of the respondents 3 and 4, the Principal of A.P. Social Welfare Residential School & Junior College, Ramapuram, filed a counter-affidavit stating that the petitioner stopped preparation of food and supply to the students from 2-3-2006 to 7-3-2006. That apart, the petitioner along with some anti-social elements assaulted

the Principal and injured several students. In the circumstances, there was no other alternative except cancelling the contract awarded in his favour and alternative arrangements were made by entrusting the work to the 2nd lowest bidder till fresh tenders are approved by the District Purchase Committee.

The learned Standing Counsel placed before this Court a copy of the First Information Report registered by the Sub-Inspector of Police, Ramapuram against the petitioner under Sections 448, 324, 353, 355, 506, 509, 332 read with 34 of I.P.C. and states that the investigation is still pending.

Having regard to the serious allegations made against the petitioner and particularly keeping in view the interest of the students studying in the A.P. Social Welfare Residential School and Junior College, I am unable to hold that the impugned order is arbitrary and illegal merely on the ground that there was no prior notice to the petitioner.

That apart, since the contract awarded to the petitioner was not in exercise of any statutory powers, even assuming that the impugned cancellation was in breach of terms and conditions of the contract, the petitioner cannot invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India for enforcement of the obligations under a non-statutory concluded contract. Hence, the Writ of Mandamus as prayed for cannot be granted.

Accordingly, the Writ Petition is disposed of leaving it open to the petitioner to avail the common law remedy as available under law for redressal of his grievance, if any. No costs.

_____

G. ROHINI, J.

Dt. 6-4-2006
gbs